REMARKS

This submission is in response to the Official Action dated January 12, 2005. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

I. Status of the Claims

Claim 15 has been canceled without prejudice or disclaimer of the subject matter therein. Claims 17-20 have been added. Claims 1, 2, 6, 11, 12, and 16 have been amended. No new matter is added. Claims 1-14 and 16-20 are presently pending. Claims 1-16 stand rejected.

The invention, as defined by the claims now pending, is directed to a computer program that manages and monitors at least one computer system. The computer program includes a data source detection module that identifies data sources in the computer system. A configuration used by the detection module includes instructions for querying the computer system and specifies possible combinations of the data sources in the computer system. The detection module scans the computer system and outputs a list of available data sources in the scanned computer system, and the list of available data sources is a subset of the possible combinations of data sources specified in the configuration. When the data sources in the computer system are identified, meta and performance information of the data sources are collected and presented to the user, and a list of the identified data sources is presented to the user.

Claim 1 has been amended to state that the data source detection module identifies "available data sources" in one or more computer systems and that the data source detection module detects "at least one metric related to at least one of the available data sources... wherein the data source detection module outputs a list of detected metrics." Claims 2 and 11 have been amended for clarification and to correct grammatical errors.

Claim 6 has been amended to recite the steps of "identifying available data sources of at least one of said at least one computer system; collecting meta and performance information of said available data sources... and presenting a list of said identified available data sources to said user."

Claim 15 has been canceled without prejudice or disclaimer of the subject matter therein, and therefore, the rejection of claim 15 has been rendered moot. Claim 16, which originally depended on claim 15, has been amended to depend on claim 8.

II. 35 U.S.C. § 112 Rejection

In the accompanying amendment, claim 12 has been amended to further recite that "the steps of utilizing the probe engine to identify the monitoring information source and storing the monitoring information source in the list of detected monitoring information sources are performed for each monitoring information source of said at least one computer system." Claim 11, on which claim 12 depends, provides antecedent basis for these elements of the claim. Accordingly, the rejection of claim 12 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

III. 35 U.S.C. § 103(a) Rejection

Claims 1-16 have been rejected as being unpatentable over U.S. Patent Application Publication No. 2003/0225549 to Shay et al. ("Shay") in view of U.S. Patent Application Publication No. 2003/0167270 to Werme et al. ("Werme"). Applicants respectfully traverse this rejection, and reconsideration is respectfully requested.

Shay discloses a system for measuring the end-to-end quality of service in a distributed network environment. The system includes a controller 109 that connects to various nodes 105 and probes 107 that each transfer to the controller 109 a data stream that includes diagnostic data for monitoring the respective node or probe (Shay, paragraph [0028]). The information that the nodes and probes transmit is defined by instructions from the controller 109. Alternatively, instead of receiving a steady stream of data, the controller 109 may query the nodes and probes via separate commands (Shay, paragraph [0029]).

Werme discloses a system that uses a host and network monitoring functioning group FG1, which is software that monitors at the host and network levels (Werme, paragraph [0047]). History servers FG12A-FG12N collect information and maintain histories in the status, statistics, and performance of each host A-N in the distributed environment (Werme, paragraph [0087]). A host discovery function FG14 of the functioning group FG1 periodically scans each subnet and host address in the distributed environment to determine whether there have been any host status changes, and the list of hosts and subnets to be monitored are stored in a file (Werme, paragraph [0089]).

The Examiner states that Shay discloses all of the features of claim 1 except that Shay does not disclose a configuration that specifies possible combinations of the data sources and a list that includes a subset of the possible combinations. However, the Examiner states that Werme discloses these features and that it would be obvious to modify Shay's system in view of Werme's system to provide for flexibility and user customization in network monitoring.

However, were Shay modified in view of Werme as proposed, the resulting system still would not disclose or suggest a data source detection module identifying available data sources in one or more computer systems and outputting a list of the available data sources in the computer systems, as set forth in claims 1 and 6. The resulting system also would not disclose or suggest that a detection module outputs a list of detected metrics related to the available data sources, as set forth in claim 1, or that meta and performance information is collected from the available data sources, as set forth in claim 6.

The Examiner contends that Shay discloses a data source detection module for identifying data sources in one or more computer systems (Office Action, last two lines of page 2). However, detection in Shay is via communication initiated by the disclosed nodes and probes and not by a module that interrogates data sources, as recited in claims 1 and 6. At page 7, paragraphs [0060-0063], Shay discloses a reporting engine 117 that allows the user to view a report of data based on criteria selected by the user, e.g., aggregated quality of service performance or trouble-shooting (Shay, paragraph [0059]). Shay's reporting engine 117 reports data collected by various nodes and probes, but does not provide a detection module for identifying available nodes or probes in one or more computer systems, as set forth in claim 1. Shay's nodes 105 are software agents in workstations 104 and application servers 114, and Shay's probes 107 are monitoring components that provide information on network traffic on network segment 106a (Shay, paragraphs [0019-0020]). Each of Shay's nodes and probes use a discovery protocol to locate a controller 109 that "owns" the node to permit the controller 109 to map traffic data to the user (Shay, paragraph [0030]). However, in Shay, the nodes and probes initiate communication with the controller 109 to allow data transfer, and therefore, Shay does not disclose a detection module that identifies available data sources.

Were Shay's controller modified to serve as a detection module that identifies available data sources such as the availability of the nodes and probes, the modification would change the principle of operation of Shay's system. Shay's nodes and probes are not intended to be detected by the controller, since Shay teaches that the nodes and probes use a discovery protocol to locate the controller. Therefore, such a modification would change the principle of operation of Shay's system.

The Examiner also contends that Shay discloses a data source detection module that scans one or more computer systems and outputs a list of available data sources in the scanned computer systems on pages 2-3, paragraph [0021], and page 4, paragraph [0037] (Office Action, page 3, lines 4-6). However, Shay's reporting engine 117, which to our understanding the Examiner contends is the "data source detection module," does not scan any computer systems for available nodes and probes, and, therefore, does not output a list of available nodes and probes. Therefore, Shay also does not disclose or suggest a data source detection module identifying available data sources in one or more computer systems and outputting a list of the available data sources in the computer systems, as set forth in claims 1 and 6.

Furthermore, Shay discloses that the nodes and probes collect data for various metrics (Shay, paragraph [0063]), but does not disclose that a detection module outputs a list of detected metrics related to at least one of the available data sources, as set forth in claim 1, or that meta and performance information is collected from the available data sources, as set forth in claim 6.

Werme's functioning group FG1 periodically scans subnet and host addresses, which are intended to be monitored and provided in a list, to determine any status changes (Werme, paragraph [0089]). Werme discloses providing a list of hosts and determining the status of the hosts (Werme, paragraph [0089]), but does not disclose identifying and providing a list of available data sources, as set forth in claims 1 and 6, or that a detection module outputs a list of detected metrics related to at least one available data source, as set forth in claim 1. Furthermore, Werme does not disclose that meta and performance information is collected from the available data sources, as set forth in claim 6.

Therefore, the combination of Shay and Werme do not disclose or suggest all of the elements of the claimed invention set forth in claims 1 and 6 and therefore cannot be understood as rendering the claimed invention obvious. Claims 2-5, 7-14, and 16 depend on claims 1 and 6 and are patentable for at least the same reasons.

Based on the foregoing, Applicants respectfully request that the rejection of claims 1-16 under 35 U.S.C. § 103(a) be withdrawn, and reconsideration is respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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